

RESOLUTION NO. 2503F

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 158; FINAL LEVY OF SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN LOCAL IMPROVEMENTS

BE IT RESOLVED by the Board of County Commissioners of the County of Flathead (the "County"), Montana, as follows:

Section 1. The District; the Improvements. The County has created a Rural Special improvement district (the "District") pursuant to under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the "Act"), denominated Rural Special Improvement District No. 158 (the "District"), and undertaken certain local improvements (the "Improvements") to benefit property located therein. The Improvements have been or, by the conclusion of the current construction season, will be substantially completed and the total costs of the Improvements to be paid with proceeds of the Bonds are estimated to be \$150,471.30, including all incidental costs.

Section 2. The Bonds. The County has pursuant to the Act issued its rural special improvement district bonds drawn on the District, denominated "Rural Special Improvement District No. 158 Bonds," in the original aggregate principal amount of \$162,805.00 (the "Bonds"), to finance costs, including incidental costs, of the Improvements. The Bonds are payable primarily from special assessments to be levied against property in the District. A recent assessment prepay of \$12,333.70 will be paid toward the principal of the bonds.

Section 3. Method of Assessment. (a) Pursuant to Resolution No. 2503, adopted by this Board on November 14, 2019, and which constitutes the resolution of intention to create the District, this Board determined to levy special assessments to pay the costs of the Improvements on the basis or bases therein provided as authorized by the Act.

(b) This Board hereby ratifies and confirms that the assessment of costs of the specific Improvements against the properties benefitted thereby as prescribed by the resolution of intention are equitable and in proportion to and not exceeding the special benefits derived from the respective Improvements by the lots, tracts and parcels to be assessed therefor within the District, and the special assessments levied by this resolution are in accordance with the methods and do not exceed the amounts prescribed by the resolution of intention.

Section 4. Public Hearing; Objections. This Board, on August 18, 2020, adopted Resolution No. 2503E, pursuant to which this Board declared its intention to levy and assess the special assessments in the District. Notice of passage of the resolution was duly published and mailed in all respects in accordance with law, and on September 8, 2020, this Board conducted a public hearing on the levying and assessment of the special assessments.

This Board has considered the objections, if any, submitted to the proposed assessments and other comments made at the public hearing. This Board has determined not to modify any of the special assessments appearing in the proposed assessment roll attached as Exhibit A to such resolution, except that the initial assessment due November 30 will be \$563.04 and the initial assessment due May 30 will be \$563.03 (to conform with relevant software).

Section 5. Final Levy of Assessments. The special assessments for the costs of the Improvements shall be levied and assessed against properties in the District in accordance with the method of assessments referred to in Section 3. Such assessments shall be payable over a term not exceeding 20 years, each in substantially equal semiannual payments of principal and interest. Property owners shall have the right to prepay the special assessments as provided by law.

The special assessments shall bear interest from June 9, 2020, until paid at an annual rate equal to the Interest Rate (as hereinafter defined), as such may change from time to time, plus penalties and interest for delinquent installments as provided by law. As used herein, "Interest Rate" means, as of the date of determination, the sum of (i) the average interest rate payable on the Bonds then outstanding, plus (ii) one-half of one percent (0.50%) per annum. The Interest

Rate shall be determined in August of each fiscal year so long as any Bonds are outstanding and shall apply to the outstanding installments of the special assessments not delinquent. If no Bonds are outstanding, but special assessments remain unpaid and are not delinquent, the Interest Rate shall be equal to the Interest Rate as most recently determined. The initial Interest Rate for the fiscal year ending June 30, 2021, shall be 3.8% per annum.

The special assessments shall be levied against the lots, tracts and parcels in the respective amounts listed on Exhibit A to this resolution (which is hereby incorporated herein and made a part hereof). Exhibit A contains a description of each lot, tract or parcel of land to be assessed, the name of the owner, if known, the total amount of the special assessment levied against each lot, tract or parcel, the amount of each partial payment of the special assessment, and the day when each such partial payment shall become delinquent.

Section 6. Certification of Assessments. A copy of this resolution, including Exhibit A hereto, certified by the County Clerk and Recorder shall be delivered to the County Treasurer within two days after the adoption hereof.

Section 7. Further Actions. Officers of the County are further authorized and directed to take all actions as may be required by law to assure that the special assessments levied by this resolution are duly certified, assessed and collected in accordance with law.

ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 8th day of September, 2020.

BOARD OF COUNTY COMMISSIONERS
FLATHEAD COUNTY, MONTANA

By _____
Pamela J. Holmquist, Chair

By _____
Randy L. Brodehl, Member

By _____
Philip B. Mitchell, Member

Exhibit A
River Butte Ranchettes, RSID 158

Subdivision Name	Tract or Lot		Total Assessment	30-Nov-20 Payment*	31-May-21 Payment*
River Butte Ranchettes	1	Edward H. & Donna S. Stone	\$ 13,567.09	\$563.04	\$563.03
River Butte Ranchettes	3	Susan J. Kemp	\$ 13,567.09	\$563.04	\$563.03
River Butte Ranchettes	5	Travis & Cristina Leib	\$ 13,567.09	\$563.04	\$563.03
River Butte Ranchettes	8	Kevin S. & Tracey J. Maness	\$ 13,567.09	\$563.04	\$563.03
River Butte Ranchettes	9	Alexander Gietzen	\$ 13,567.09	\$563.04	\$563.03
River Butte Ranchettes	10	Frederick L. Paulson II	\$ 13,567.09	\$563.04	\$563.03
River Butte Ranchettes	11	Robert Fleming	\$ 13,567.09	\$563.04	\$563.03
River Butte Ranchettes	15	Steven C. & Patricia A. Shepard	\$ 13,567.09	\$563.04	\$563.03
River Butte Ranchettes	18	Andre & Heather Groschupf	\$ 13,567.09	\$563.04	\$563.03
River Butte Ranchettes	19	Richard J. Messina	\$ 13,567.09	\$563.04	\$563.03
River Butte Ranchettes	20	Schwalbe Family Trust, 2009	\$ 13,567.09	\$563.04	\$563.03

Payments will be due on November 30, 2020, and May 31, 2021, and each November 30 and May 31 through November 30, 2039, and May 31, 2040. Payments will become delinquent, if not paid, on December 1 and June 1 of each year.

* In each fiscal year, the then outstanding principal amount of assessment will be reamortized in equal semi-annual installments over the term of the assessments at an interest rate equal to the average interest on the outstanding bonds plus one half of one percent per annum.